



OFFICE of the ATTORNEY GENERAL
GREG ABBOTT

April 17, 2003

Mr. W. Jan Faber
Assistant General Counsel
Texas A&M University System
301 Tarrow, 6th Floor
College Station, Texas 77840-7896

OR2003-2635

Dear Mr. Faber:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 179632.

Prairie View A&M University (the "university") received a request for the requestor's "official transcript" as well as a "full accounting of *all* [of the requestor's] financial records." You inform us that the university does not object to releasing the requestor's records to her. You also state that the university has previously provided the requested financial records and is willing to release an unofficial transcript to the requestor. Based on your representations, we conclude that you must provide the requested information.¹ *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

¹We note that a member of the public would not be entitled to obtain the requested information because it constitutes "education records," which are confidential pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"). 20 U.S.C. § 1232g. *See* Open Records Decision Nos. 332 (1982), 206 (1978) (information must be withheld under FERPA only to extent reasonable and necessary to avoid personally identifying particular student). In this instance, however, the requestor has a special right of access to her information. *See* 20 U.S.C. §§ 1232g(a)(1)(A) (providing for parental access to education record), 1232g(d) (providing that student attending post-secondary institution assumes all rights accorded to parents under FERPA). If the university should receive a subsequent request for this information from an individual who does not have a special right of access under FERPA, the university must request a decision or redact identifying information in accordance with Open Records Decision No. 634 (1995).

We note that, although the requestor asks for an "official transcript," you are only willing to release an unofficial transcript due to a dispute regarding a financial matter. You inform us that the unofficial transcript contains the same information as an "official" one. The Public Information Act does not generally require a governmental body to produce information in the format requested. See *AT&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W.3d 678, 681 (Tex. App.—Eastland, pet. denied); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3, 342 at 3 (1982), 87 (1975). We therefore conclude that the university need not supply an "official transcript" in response to this public information request.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

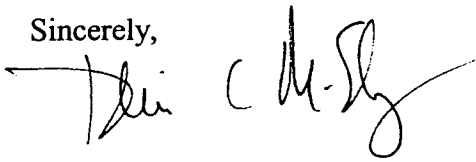
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis C. McElroy", with a stylized flourish extending from the end.

Denis C. McElroy
Assistant Attorney General
Open Records Division

DCM/seg

Ref: ID# 179632

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